

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

ELENA G. EZPELETA, M.D.

Case No. 8002016019492

**Physician's and Surgeon's
Certificate No. A37103**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on September 28, 2017

IT IS SO ORDERED September 21, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
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5 300 South Spring Street, Suite 1702
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Attorneys for Complainant

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2016-019492

12 ELENA G. EZPELETA, M.D.
13 1112 Bradford Avenue, Apt. 358
Placentia, CA 92870

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate No. A
15 37103,

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California, Department of Consumer Affairs (Board). She brought this action solely in her
23 official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
24 State of California, by Peggie Bradford Tarwater, Deputy Attorney General.

25 2. Elena G. Ezpeleta, M.D. (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about July 20, 1981, the Board issued Physician's and Surgeon's Certificate No.
28 A 37103 to Respondent. The Physician's and Surgeon's Certificate expired on August 31, 2016,

1 and has not been renewed.

2 JURISDICTION

3 4. Accusation No. 800-2016-019492 was filed before the Board and is currently pending
4 against Respondent. The Accusation and all other statutorily required documents were properly
5 served on Respondent on June 5, 2017. Respondent timely filed her Notice of Defense. A copy
6 of Accusation No. 800-2016-019492 is attached as Exhibit A and incorporated by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 800-2016-019492. Respondent also has carefully read, and understands the
10 effects of this Stipulated Surrender of License and Order.

11 6. Respondent is fully aware of her legal rights in this matter, including the right to a
12 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
13 her own expense; the right to confront and cross-examine the witnesses against her; the right to
14 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
15 compel the attendance of witnesses and the production of documents; the right to reconsideration
16 and court review of an adverse decision; and all other rights accorded by the California
17 Administrative Procedure Act and other applicable laws.

18 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
19 every right set forth above.

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 800-2016-019492, agrees that cause exists for discipline and hereby surrenders her
23 Physician's and Surgeon's Certificate No. A 37103 for the Board's formal acceptance.

24 9. Respondent understands that by signing this stipulation she enables the Board to issue
25 an order accepting the surrender of her Physician's and Surgeon's Certificate without further
26 process.

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1 4. If Respondent ever files an application for licensure or a petition for reinstatement in
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
3 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
4 effect at the time the petition is filed; and all of the charges and allegations contained in
5 Accusation No. 800-2016-019492 shall be deemed to be true, correct and admitted by Respondent
6 when the Board determines whether to grant or deny the petition.

7 5. If Respondent should ever apply or reapply for a new license or certification, or
8 petition for reinstatement of a license, by any other health care licensing agency in the State of
9 California, all of the charges and allegations contained in Accusation, No. 800-2016-019492 shall
10 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
11 Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
4 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
5 agree to be bound by the Decision and Order of the Medical Board of California.

6
7 DATED: July 31, 2017 Elena G. Ezpeleta, M.D.
8 ELENA G. EZPELETA, M.D.
9 Respondent

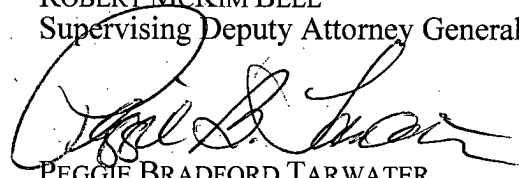
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Medical Board of California of the Department of Consumer Affairs.

13 Dated: 8/7/17

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 ROBERT MCKIM BELL
17 Supervising Deputy Attorney General

18 
19 PEGGIE BRADFORD TARWATER
20 Deputy Attorney General
21 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-019492

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
California Department of Justice
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Facsimile: (213) 897-9395
7 E-mail: Peggie.Tarwater@doj.ca.gov
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 5 20 17
BY ANALYST

8
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

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12 ELENA G. EZPELETA, M.D.
13 1112 N. Bradford Avenue, Apt. 358
14 Placentia, CA 92870

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
No. A 37103,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs ("Board").

23 2. On July 20, 1981, the Board issued Physician's and Surgeon's Certificate Number A
24 37101 to Elena G. Ezpeleta, M.D. ("Respondent"). The Physician's and Surgeon's Certificate
25 expired on August 31, 2016, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws.

4. Business and Professions Code section 2227¹ provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"...."

6. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"...."

"...."

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

7. California Code of Regulations, title 16, section 1360, states:

¹ All further statutory references are to the Business and Professions Code unless otherwise indicated.

1 "For the purposes of denial, suspension or revocation of a license, certificate or permit
2 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
3 considered to be substantially related to the qualifications, functions or duties of a person holding
4 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
5 evidences present or potential unfitness of a person holding a license, certificate or permit to
6 perform the functions authorized by the license, certificate or permit in a manner consistent with
7 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
8 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of, or conspiring to violate any provision of the Medical Practice Act."

10 8. Section 2052 of the Code states:

11 "(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who
12 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or
13 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
14 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
15 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
16 certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being
17 authorized to perform the act pursuant to a certificate obtained in accordance with some other
18 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand
19 dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
20 Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either
21 imprisonment.

22 "(b) Any person who conspires with or aids or abets another to commit any act described in
23 subdivision (a) is guilty of a public offense, subject to the punishment described in that
24 subdivision.

25 "(c) The remedy provided in this section shall not preclude any other remedy provided by
26 law."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 9. Respondent is subject to disciplinary action under section 2236 of the Code and
4 California Code of Regulations, title 16, section 1360, in that she was convicted of aiding and
5 abetting the unlicensed practice of medicine in violation of section 2052, subdivision (b), of the
6 Code. The circumstances are as follows:

7 10. In 2015, Respondent was the Chief Executive Officer of the Regen Medical Clinic,
8 located in Los Angeles, California. She was also an owner and acted as the medical director of
9 Regen Medical Clinic. The clinic provided medical cosmetic services. Also working at the clinic
10 was registered nurse and acupuncturist S.H. and an aesthetician, S.K.

11 11. Respondent did not perform procedures at the clinic. She performed consultations,
12 but she was not always available to do so. S.H. would also perform consultations.

13 12. On August 4, 2015, an undercover investigator, posing as a patient, entered the Regen
14 Medical Clinic. She was greeted by S.K. and provided a medical form to complete. The
15 investigator told S.K. she was interested in Botox treatment and a mole removal. The investigator
16 was led into an examination room, where S.H. spoke with her. The investigator informed S.H.
17 that she was interested in Botox and mole removal. He examined her face and discussed the
18 benefits of Botox for wrinkles and laser for mole removal. S.H. said he would be the one
19 administering the treatments.

20 13. On November 10, 2015, the investigator, posing as a patient, returned to Regen
21 Medical Clinic. She was greeted by S.K. and S.H. There was no doctor present in the office.
22 S.H. advised her that he would administer Botox via injection.

23 14. S.H.'s treatment of the investigator constituted the unlicensed practice of medicine,
24 and Respondent aided and abetted the practice.

25 15. In an Information filed on May 26, 2016, in Los Angeles County Superior Court case
26 number BA442753, Respondent was charged with conspiring or aiding and abetting another to
27 practice medicine without a certificate, in violation of section 2052, subdivision (b), of the Code.

1 16. On July 18, 2016, Respondent pled no contest to a violation of section 2052,
2 subdivision (b), of the Code. Respondent was sentenced to three years of probation. She was
3 ordered to complete 200 hours of community service and to pay fees and fines. As a condition of
4 probation, Respondent is prohibited from practicing medicine while on probation without the
5 approval of the Board.

6 17. Respondent was convicted of an offense substantially related to the qualifications,
7 functions, or duties of a physician and surgeon, and cause for discipline exists.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 18. Respondent is subject to disciplinary action under section 2234 of the Code in that she
11 engaged in unprofessional conduct. The circumstances are as follows:

12 19. The First Cause of Discipline is incorporated herein as if fully set forth.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

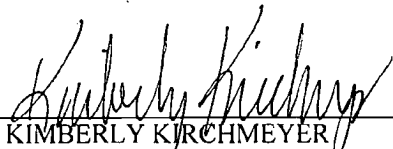
16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 37103,
17 issued to Respondent Elena G. Ezpeleta, M.D.;

18 2. Revoking, suspending or denying approval of her authority to supervise physician
19 assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

20 3. Ordering Elena G. Ezpeleta, M.D., if placed on probation, to pay the Board the costs
21 of probation monitoring; and

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: June 5, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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